

REMARKS

Claims 1-11 and 13-21 remain pending in the present application. Claim 1 has been amended. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-11 and 13-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Groves, et al. (U.S. Pat. No. 6,464,048) in view of Nezu, et al. (U.S. Pat. No. 5,586,627). Claim 1 has been amended to define the first flow path as being the only flow path extending between the upper working chamber and the reserve chamber. Thus, Applicants have deleted the term "direct" in this paragraph of the claim.

Applicants believe this places Claim 1 in condition for allowance since Claim 1 was determined to be allowable in the Examiner's December 22, 2005 Office Action except for some 35 U.S.C. § 112 issues. Applicants believe the 35 U.S.C. § 112 issues have been resolved and the deletion of the term "direct" from the last paragraph of Claim 1 now has Claim 1 defining the first flow path as being the only flow path extending between the upper working chamber and the reserve chamber.

As pointed out in our August 3, 2006 response, Groves, et al. (USP 6,464,048) discloses a shock absorber having two fluid flow paths between the upper working chamber and the reserve chamber. Figure 7 illustrates, in solid lined arrows, a first flow path from upper working chamber 24 through passage 130, through intermediate chamber 50, through valve assembly 22 to reserve chamber 36 (column 6, line 44+). A second flow path is illustrated with dashed line arrows in Figure 8. Check valve 244

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opens to allow flow from reserve chamber 36 through passage 230, into chamber 228, through passage 242, check valve 244 into chamber 236 through passage 232, bore 238, passage 130 and into upper working chamber 24 (column 7, lines 20-25).

As pointed out by the Examiner, Nezu, et al. was used solely for the teaching of providing a plurality of compression fluid passages and rebound fluid passages on the piston to allow fluid flow through the piston. Thus, the combination of Groves, et al. with Nezu, et al. does not disclose a shock absorber having only one flow path between the upper working chamber and the reserve chamber as is defined in Claim 1.

Thus, Applicants believe Claim 1, as amended, patentably distinguishes over the art of record. Likewise, Claims 2-11 and 13-21, which ultimately depend from Claim 1, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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